

no over-coat is need nor is one even desired.

Next, the Examiner states that Schulz is applied to teach the image receptive layer which is equivalent to the first down coat layer and the overcoat laminate of Schulz does not effect the composition and function of the image receptive layer. Without arguing whether the image receptive layer of Schulz is or is not equivalent to the first down coat, it is Applicant's position that the overcoat of Schulz is in fact a necessary and integral part of the Schultz media and that accordingly it teaches away from use or "combination" in any manner with Young to make the claimed invention.

Schulz is concerned with an ink receptive media for use in a passport. It is directed to the field of security documents and more particularly with "ink-receptive translucent coating materials which may be applied to paper based documents including security papers to provide a robust, durable, high quality, and tamper resistant image after processing". (Col. 1, lines 54-57.) The Schulz patent goes on to explain that an embodiment of the media includes "a laminate [that] is heat sealed over the first major surface of the ink receptive layer" (Col. 2, lines 11-13) and that "[t]he ink receptor composition of this invention is especially useful for security documents and other applications where a heat sealable laminate is to be adhered to the imaged article". (Col. 2, lines 36-39). Accordingly, Applicant submits that the laminate is an absolutely necessary part of the invention of Schulz and that the idea of using any part of the Schulz media outside of a necessarily laminated structure would be contrary to its teaching. As such, Applicant submits that Schulz in fact teaches away from using anything in that disclosure in a non-overcoated article.

Applicant's position is further supported by reading the Schulz disclosure as a whole, in view of the intended purpose of the media. The Schulz media is intended for use in security documents as a security marker, such as a water mark (col. 4, line 43), a picture, fingerprint, bar code or signature (col. 10, lines, 48-50). The media is adhered as a laminate to the document. The "structure" includes the substrate, the ink receptive layer and the laminate which is an optically transparent film that is bonded to the ink receptive layer (see, col. 10, lines 61-66). Clearly, the laminate portion of the Schulz structure is an overcoating on the ink receptive layer. It would be completely contrary to the teaching of Schulz to use any portion of that structure in a non-overcoated manner, such as in the claimed invention.

In each and every one of the Examples shown in Schulz, the media includes a laminate (the ink receptor composition was coated, printed and laminated), and the security features were then tested to

determine whether they could be separated from the underlying document. In no instance was the media used without such an overcoat. More to the point, in no instance would the Schulz media be used without an overcoat, because the purpose is to create an indicator that cannot be removed or is destroyed when removed. This requires the use of a laminated structure that tears when an attempt is made to remove it.

Because the Schulz structure would not be used in any manner in a non-overcoated structure, it is Applicant's position that its teaching would not, as asserted by the Examiner, be combined with the disclosure of Young to make obvious the claimed invention.

Accordingly, Applicant submits that the claims pending in the application, namely claims 1-12 (claims 13-20 being withdrawn) are allowable over the art of record and respectfully and earnestly solicits early indication of same.


Applicant believes that no fee is due in connection with the present Amendment C. The Commissioner is, however, authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-2035.

Serial No. 10/791,541
Art Unit 1774

Amendment C

Should the Examiner believe that a telephone interview would expedite prosecution and allowance of the present application, or address any outstanding formal issues, he is respectfully requested to contact the undersigned.

Respectfully submitted,

By 

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